

NOTICE OF PROPOSED RULEMAKING

Title 14: **Natural Resources**

Division 7: **California Integrated Waste Management Board**

Chapter 4: **Resource Conservation Programs**

Article 1: **Recycling Market Development Zone Designation Process**

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend existing and draft new regulations to Government Code §17901-17914.5 to streamline the Recycling Market Development Zone Designation Process.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on Monday, December 29, 2003.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

Raffy Kouyoumdjian
California Integrated Waste Management Board
Waste Prevention and Market Development Division
P.O. Box 4025, M.S. 11
Sacramento, CA 95812-4025

E-mail: rkouyoum@ciwmb.ca.gov
Fax: (916) 319-7628
Phone: (916) 341-6524

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for Monday, November 24, 2003. The hearing will be held in the Sierra Hearing Room (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 9:00 AM. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing,

submit written copies of their testimony at the hearing. The Sierra Hearing Room is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act), PRC §40000 et. seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and state waste processing and disposal. PRC §42010 et. seq., governs the Recycling Market Development Zones (Zones). The Zones are geographically designated areas within the State of California to promote recycling-based manufacturing businesses and to help increase diversion of solid waste from landfills as well as, create recycling-based manufacturing jobs.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that existing regulations Government Code §17901 et. seq., are cumbersome and unclear. The proposed regulations will streamline and further clarify the Recycling Market Development Zone Designation Process.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section §11349 and the plain English requirements of Government Code Section §§11342.580 and 1134.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC §40502 provides authority for these proposed regulations. The purpose of the proposed regulations is to implement, interpret and make specific PRC §§ 42010 through 42023.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D, the State of California has the authority to promulgate such regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CIWMB staff has determined that the proposed regulations will result in no costs or savings to any state agencies, no costs to any school districts that are required to be

reimbursed under part 7 (commencing with §17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations do not impose a mandate on local school districts.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulations would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff determined that the proposed regulations may have an effect on small businesses.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will promote: 1) the creation of jobs within the State of California; 2) the creation of new businesses within California; or 3) the expansion of businesses currently doing business within the state. The proposed regulatory action will not cause: 1) the elimination of jobs within the State of California; or 2) the elimination of existing businesses within California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff are not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB, or that has otherwise been identified and brought to the attention of the CIWMB, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Raffy A. Kouyoumdjian
California Integrated Waste Management Board
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Sacramento, CA 95812-4025
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Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Corky Mau
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AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Raffy A. Kouyoumdjian at the address, e-mail, or telephone number listed above. For

more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/RMDZ/>.

Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text – with changes clearly indicated – available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and a all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.